

1 **STIP**
2 **BRIAN J. SMITH, ESQ.**
3 **State Bar Number 11279**
4 **9525 Hillwood Dr., Suite 190**
5 **Las Vegas, Nevada 89134**
6 **702-380-8248**
7 **Attorney for JONES**

8 **UNITED STATES DISTRICT COURT**

9 **IN AND FOR THE DISTRICT OF NEVADA**

10 **UNITED STATES OF AMERICA,**)

11 **Plaintiff,**)

12 **vs.**)

13 **NICHOLAS JONES,**)

14 **Defendant.**)

Case No.: 2:16-mj-00278-PAL

**STIPULATION TO CHANGE
MOTION TO WITHDRAW
HEARING DATE**

15 *Certification:* This stipulation is filed pursuant to General Order 2007-04.

16 IT IS STIPULATED between the defendant NICHOLAS JONES through his
17 attorney BRIAN J. SMITH, ESQ., through CRISTINA SILVA, Assistant United States
18 Attorney, that the Motion to Withdraw hearing currently scheduled for May 12, 2016, at
19 the hour of 11:30 a.m., be vacated and set to May 11, 2016 or after June 1, 2016, or to
20 date and time convenient to this court.

21 This Stipulation is entered into pursuant to General Order 2007-04 and based
22 upon the following:

- 23 1. There have been no previous continuances granted to the defense in this
24 case.
- 25 2. Defense counsel will be in Los Angeles on May12, 2016, and will be out of
26 the country from May 16 to May 31, 2016 on a prepaid, preplanned trip.
- 27 3. The parties agree to the continuance.
- 28 4. For the above stated reasons, the parties agree that a change of motion
date would best serve the ends of justice in this case.

1 5. This is the first request for a change of Motion to Withdraw hearing date in
2 this case.

3 DATED this 2nd day of May, 2016.

4 RESPECTFULLY SUBMITTED BY:

5 /s/ Cristina Silva
6 CRISTINA SILVA
7 Assistant United States Attorney

/s/ Brian J. Smith
 BRIAN J. SMITH
 Attorney for NICHOLAS JONES

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15 **FINDINGS OF FACT**

16
17 Based upon the submitted Stipulation, and good cause appearing therefore, the
18 Court finds that:

- 19 1. Defense counsel will be out of jurisdiction from May 12 to May 31, 2016 on
20 a prepaid, preplanned trip.
21 2. This stipulation complies with General Order 2007-04.

22 **CONCLUSIONS OF LAW**

- 23
24 1. Denial of this request for continuance would deny the defense herein
25 sufficient time and the opportunity within which to be able to effectively and
26 thoroughly research and prepare this case, taking into account the exercise
27 of due diligence.
28 2. Additionally, denial of this request for continuance would result in a
miscarriage of justice.

- ## ORDER

IT IS SO ORDERED:

DATED: May 5, 2016